

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

GARY CARL SIMMONS, JR.

PETITIONER

VS.

CIVIL ACTION NO. 1:04CV496HSO

**CHRISTOPHER B. EPPS, Commissioner,
Mississippi Department of Corrections,
LAWRENCE KELLY, Superintendent,
Mississippi State Penitentiary and JIM
HOOD, Attorney General of the State of
Mississippi**

RESPONDENTS

FINAL JUDGMENT

This matter came on to be heard on Petitioner Gary Carl Simmons's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. The Court finds that in accord with its Memorandum Opinion and Order entered herewith,

IT IS, THEREFORE, ORDERED AND ADJUDGED that, Gary Carl Simmons's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 is hereby **DENIED**.

IT IS, FURTHER, ORDERED AND ADJUDGED that, Judgment is hereby entered pursuant to Rule 58 of the Federal Rules of Civil Procedure. This case is hereby dismissed with prejudice.

SO ORDERED AND ADJUDGED, this the 26th day of September, 2008.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE